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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/553,533	GALLOU ET AL.
	Examiner	Art Unit	
	Kyung Hye Shin	2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _17 October 2005_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-16_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-16_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _10/17/05_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _10/17/05_.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This application was filed on **10-17-2005**.   Claims **1 - 16** are pending.   Claims **1,**

9, 10, 14 are independent.

Specification

2.   The specification is objected to as failing to provide *proper antecedent basis* for

the claimed subject matter.   See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).   Correction

of the following is required: The term "safety duration" used in claim 11 is not defined at

all in the description, so that the meaning of the term in the claim is not ascertainable by

reference to the specification.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

4.   Claims **15, 16** are subject to 35 USC 101 because the claimed invention is

directed toward non-statutory subject matter.

    Claims **15, 16** disclose a computer program product comprises program code

instructions that are construed as *software per se*, which do not define any structural

and functional interrelationships, thus, it is non-statutory functional descriptive material,

which does not fall within an enumerated statutory category. (See MPEP § 2106.01 I.)

The specification on page 4 also discloses that the computer program product may

consist of a *signal* such as an electrical or optical signal.

> Specification Page 4:
> A further object of the invention is a computer program product comprising program code
> instructions for executing the steps of the data requesting process or the data transmitting
> process according to the invention, when that program is executed on a computer. By "**computer
> program product**", it is meant a computer program support, which **may consist** not only in a
> storing space containing the program, such as a diskette or a cassette, but also in a **signal**, such
> as an electrical or optical signal.

The inclusion of a computer program product within a signal such as an electrical

or optical signal is directed toward non-statutory subject matter. Appropriate correction

required.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

6.   Claims **1 - 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Chen et al. (US Patent No. **5,822,524**) in view of **Forecast el al.** (US Patent No.

6,230,200).

Regarding Claim 1, Chen discloses data requesting device through at least one first

communication network from at least one data server, comprising:

        sending means for sending requests of determined data to the server via at least

one second communication network, (Chen col 5, ll 59-67: send a command packet

(specific request) for retrieval of requested data; col 5, ll 39-44: control channel serves to exchange control messages; data channel serves to transmit multimedia data from the server to client; data channel (first) and control channel (second) communications channels (networks); specification (page 3) defines communications network as bi-directional communications network)

receiving means for receiving streamed data from the server via the first communication network and for providing the data to processing means for them to be exploited, (Chen col 5, ll 48-59: data receiver receives incoming data packets from the network; data receiver signals buffer manager to place data packets into the packet buffer; output processor delivers data to multimedia application) and

control means for producing pause control signals, intended for pausing data streaming from the server, and for triggering the sending of the pause control signals to the server via the second network through the sending means, (Chen col 6, ll 9-15: three transmission modes (NORMAL, RUSH, PAUSE); col 6, ll 47-49: client agent sends NORMAL-TO-PAUSE command if amount increase above high water mark)

wherein the data requesting device comprises for generating normal state signals, intended to the server via the second network normal operation at the data requesting device, (Chen col 6, ll 9-15: three transmission modes (NORMAL, RUSH, PAUSE); col 6, ll 49-51: client agent sends PAUSE-TO-NORMAL command if amount of data decreases from above the high water mark)

Chen does not explicitly disclose maintenance means by triggering periodic

transmission of the state signals. However, Forecast discloses wherein

maintenance means by triggering periodic transmission of the state signals to the

server through the sending means for testifying operation. (Forecast col 52, ll 37-46:

stream server sends the heartbeat (periodic transmission); heartbeat includes: an

indication of current position in the stream, the state of the stream (e.g. pause,

playing, completed), and a failure type code (alarm) indicating any failure; col 52, ll

52-58: if there has not been a failure to receive stream server heartbeat (periodic

transmission); then execution continues)

It would have been obvious to one of ordinary skill in the art to modify Chen for

maintenance means by triggering periodic transmission of the state signals as taught

by Forecast. One of ordinary skill in the art would have been motivated to employ

the teachings of Forecast in order for throughput to be used efficiently and most of

the throughput can be used for transmitting data to network clients. (Forecast col

25, ll 3-7: " ... *An advantage of the method used in FIG. 17 is that the throughput is*

used efficiently. Very little of the throughput is used for maintaining the sliding

window in RAM, so that most of the throughput can be used for transmitting data

from the sliding window to network clients. ...")

Regarding Claim 2, Chen discloses data requesting device according to claim 1,

wherein the control means are intended to produce also resume control signals,

intended for resuming data streaming from the server after pausing, and the sending

means are intended to transmit to the server via the second network the resume control

signals. (Chen col 6, ll 9-15: three transmission modes (NORMAL, RUSH, PAUSE); col

6, ll 49-51: client agent sends PAUSE-TO-NORMAL command if amount of data

decreases from above the high water mark; resume normal data flow)

Regarding Claim 3, Chen discloses data requesting device according to claim 1,

wherein the data requesting device comprises a user interface (Chen col 1, ll 43-48:

interactive access; user operates his client machine to request multimedia files from the

server; col 4, l 65 - col 5, l 8: user types his commands on client machine; client

machine has three interacting processes: client agent which interfaces network interface

and multimedia application), enabling a user to trigger the control means and the

sending means, so as to cause the control signals to be provided to the server via the

second network.   (Chen col 5, ll 36-40: uses two logical connections; control channel

serves to exchange control messages)

Regarding Claim 4, Chen discloses data requesting device according to claim 1,

wherein the received data being stored in a central memory before being exploited

(Chen col 5, ll 56-59: output processor delivers data to multimedia application; packet

buffer stores data packets until multimedia application requests delivery), the data

requesting device comprises regulation means, intended to trigger the control means (to

produce a pause control signal when the data in the central memory exceed a

predetermined high threshold level of the central memory. (Chen col 6, ll 9-15: three

transmission modes (NORMAL, RUSH, PAUSE); col 6, ll 47-49: client agent sends

NORMAL-TO-PAUSE command if amount increase (exceeds) above high water mark)

Regarding Claim 5, Chen discloses data requesting device according to claim 4,

wherein the regulation means are intended to trigger the control means to produce a

resume control signal when the streaming has been paused by the regulation means

and the data in the central memory decrease down to a predetermined low threshold

level of the central memory. (Chen col 6, ll 49-51: client agent sends RESUME

command decrease from above to below high water mark (threshold level))

Regarding Claim 6, Chen discloses data requesting device according to claim 4,

wherein at least one of the threshold levels of the central memory depends on a round-

trip time between the data requesting device and the server. (Chen col 4, ll 4-17:

constant number of frames are played in a second; uses timing information to ensure

transmission of a video frame in a frame time; col 4, ll 33-44: times the transmission of

multimedia files according to a fixed rate; frame rate during normal transmission; if data

in buffer if client agent is below a selected standard watermark, threshold), the

transmission rate is increased; if above selected standard it is decreased)

Regarding Claim 7, Chen discloses data requesting device according to claim 1,

wherein: the receiving means are intended to receive special warning messages from

the server via the first network when the server has not received the normal state

signals in due time, and the maintenance means are intended to trigger the sending of a

normal state signal to the server via the second network as soon as the special warning

message is received. (Chen col 6, ll 1-6: buffer manager manages the structure of data

in packet buffer; should have enough data to minimize possibility of not having request

data and have enough free space to receive new packets)

Regarding Claim 8, Chen discloses decoder, wherein it comprises a data requesting

device according to claim 1. (Chen col 4, l 65 - col 5, l 8: PC (requesting device); user

wishes to retrieve multimedia files from a server via data connections over a computer

network; col 5, ll 59-67: send a command packet (specific request) for retrieval of

requested data; col 5, ll 39-44: control channel serves to exchange control messages;

data channel serves to transmit multimedia data from the server to client)

Regarding Claim 9, Chen discloses data requesting process through at least one first

communication network from at least one data server, comprising the following steps:

      sending requests of determined data to the server via at least one second

    communication network, (Chen col 5, ll 59-67: send a command packet (specific

    request) for retrieval of requested data; col 5, ll 39-44: control channel serves to

    exchange control messages; data channel serves to transmit multimedia data from

    the server to client; data channel (first) and control channel (second)

    communications channels (networks))

receiving streamed data from the server via the first communication network for them to be exploited, (Chen col 5, ll 48-59: data receiver receives incoming data packets from the network; data receiver signals buffer manager to place data packets into the packet buffer; output processor delivers data to multimedia application; data channel (first) and control channel (second) communications channels (networks)) and

producing and sending to the server via the second network, pause control signals, intended for pausing data streaming from the server, (Chen col 6, ll 9-15: three transmission modes (NORMAL, RUSH, PAUSE); col 6, ll 47-49: client agent sends NORMAL-TO-PAUSE command if amount increase above high water mark)

wherein the data requesting process comprises generating and transmitting to the server via the second network, normal state signals, intended to the server for normal operation at the data requesting device. (Chen col 6, ll 9-15: three transmission modes (NORMAL, RUSH, PAUSE); col 6, ll 49-51: client agent sends PAUSE-TO-NORMAL command if amount of data decreases from above the high watermark; resume normal data flow)

Chen does not explicitly disclose generating and periodically transmitting state signals, intended for testifying normal operation. However, Forecast discloses wherein generating and periodically transmitting state signals, intended for testifying normal operation. (Forecast col 52, ll 37-46: stream server sends the heartbeat (periodically transmitting); heartbeat includes: an indication of current position in the stream, the state of the stream (e.g. pause, playing (normal operation), completed),

and a failure type code indicating any failure; col 52, ll 52-58: if there has not been a

failure to receive stream server heartbeat (periodic transmission); then execution

continues)

It would have been obvious to one of ordinary skill in the art to modify Chen for

generating and periodically transmitting state signals, intended for testifying normal

operation as taught by Forecast.   One of ordinary skill in the art would have been

motivated to employ the teachings of Forecast in order for throughput to be used

efficiently and most of the throughput can be used for transmitting data to network

clients. (Forecast col 25, ll 3-7)

Regarding Claim 10, Chen discloses data transmitting device via at least one first

communication network comprising:

receiving means for receiving requests of determined data from at least one data

requesting device via at least one second communication network, (Chen col 5, ll

59-67: send a command packet (specific request) for retrieval of requested data; col

5, ll 39-44: control channel serves to exchange control messages; data channel

serves to transmit multimedia data from the server to client; data channel (first) and

control channel (second) communications channels (networks)) and

streaming means for triggering streaming of the data to the data requesting

device via the first network, (Chen col 5, ll 48-59: data receiver receives incoming

data packets from the network; data receiver signals buffer manager to place data

packets into the packet buffer; output processor delivers data to multimedia

application; data channel (first) and control channel (second) communications

channels (networks))

the receiving means being intended to receive from the data requesting device

pause control messages, the streaming means being intended to pause the data

streaming when the pause control messages are received, (Chen col 6, ll 9-15: three

transmission modes (NORMAL, RUSH, PAUSE); col 6, ll 47-49: client agent sends

NORMAL-TO-PAUSE command if amount increase above high water mark) and

wherein: the receiving means are intended to receive periodically normal state

signals from the data requesting device (Chen col 6, ll 9-15: three transmission

modes (NORMAL, RUSH, PAUSE); col 6, ll 49-51: client agent sends PAUSE-TO-

NORMAL command if amount of data decreases from above the high water mark;

resume normal data flow), and

the data requesting device comprises means intended to trigger the normal state

signals, the data transmitting device being preferably provided for a data requesting

device according to any of claim 1. (Chen col 6, ll 9-15: three transmission modes

(NORMAL, RUSH, PAUSE); col 6, ll 49-51: client agent sends PAUSE-TO-NORMAL

command if amount of data decreases from above the high watermark; resume

normal data flow)

Chen does not explicitly disclose alarm means intended to trigger an alarm state

when the state signals are not received in due time. However, Forecast discloses

wherein alarm means intended to trigger an alarm state when the state signals are

not received in due time. (Forecast col 52, ll 37-46: controller to receive a heartbeat

from each stream server within a certain time period (must be received in due time);

stream server sends the heartbeat (periodic transmission); heartbeat includes: an

indication of current position in the stream, the state of the stream (e.g. pause,

playing, completed), and a failure type code (alarm) indicating any failure; col 52, ll

52-58: if there has not been a failure; then execution continues; if there has been a

failure then log the error and initiate stream server recovery (alarm state))

It would have been obvious to one of ordinary skill in the art to modify Chen for

alarm means intended to trigger an alarm state when the state signals are not

received in due time as taught by Forecast. One of ordinary skill in the art would

have been motivated to employ the teachings of Forecast in order for throughput to

be used efficiently and most of the throughput can be used for transmitting data to

network clients. (Forecast col 25, ll 3-7)

Regarding Claim 11, Chen discloses data transmitting device according to claim 10,

wherein the normal state signal is received and depending on a round-trip time between

the data requesting device and the data transmitting device. (Chen col 6, ll 9-15: three

transmission modes (NORMAL, RUSH, PAUSE); col 6, ll 49-51: client agent sends

PAUSE-TO-NORMAL command if amount of data decreases from above the high

watermark; resume normal data flow; col 4, ll 33-44: times the transmission of

multimedia files according to a fixed rate; frame rate during normal transmission;)

Chen does not explicitly disclose an alarm means intended to trigger the alarm state

when any of the state signals is not received after a safety duration following an

expected periodic time for receiving the state signal and the safety duration. However,

Forecast discloses wherein alarm means are intended to trigger the alarm state when

any of the state signal is not received after a safety duration following an expected

periodic time for receiving the state signal and the safety duration. (Forecast col 52, ll

40-46: stream server sends the heartbeat (periodic transmission); heartbeat includes:

the state of the stream (e.g. pause, playing, completed), and a failure type code; col 52,

ll 52-56: initiate stream server recovery; col 53, l 65 - col 54, l 20: client may specify a

parameter which defines how to perform failover; (FAILOVER_SIGNALCLIENT: client

will be signaled (warning message)) to request if failover should occur; col 55, l 64 - col

56, l 8: controller send a message (warning message) to client; master controller checks

whether or not a time limit has been exceeded for a response from the client; if not

alarm state; safety duration is defined for this Office Action as time period waiting for

response from client after message sent to client)

It would have been obvious to one of ordinary skill in the art to modify Chen for the

alarm state when any of the state signals is not received after a safety duration following

an expected periodic time for receiving the state signal and the safety duration as taught

by Forecast. One of ordinary skill in the art would have been motivated to employ the

teachings of Forecast in order for throughput to be used efficiently and most of the

throughput can be used for transmitting data to network clients. (Forecast col 25, ll 3-7)

Regarding Claim 12, Chen discloses data transmitting device according to claim 10,

wherein the normal state signals received and data transmitting device comprises

transfer means intended to send the messages to the data requesting device via the

first network. (Chen col 6, ll 9-15: three transmission modes (NORMAL, RUSH,

PAUSE); col 6, ll 49-51: client agent sends PAUSE-TO-NORMAL command if amount

of data decreases from above the high water mark; resume normal data flow)

Chen does not explicitly disclose alarm means to produce a warning message when

any of the state signals is not received in due time. However, Forecast disclose

wherein the alarm means are intended to produce a warning message when any of the

state signals is not received in due time, a transfer means intended to send the warning

message, and the alarm means are intended to trigger the alarm state only when a

complementary duration has elapsed after the sending of the warning message.

(Forecast col 52, ll 40-46: stream server sends the heartbeat (periodic transmission);

heartbeat includes: the state of the stream (e.g. pause, playing, completed), and a

failure type code; col 52, ll 52-56: initiate stream server recovery; col 53, l 65 - col 54, l

20: client may specify a parameter which defines how to perform failover;

(FAILOVER_SIGNALCLIENT: client will be signaled (warning message)) to request if

failover should occur; col 55, l 64 - col 56, l 8: controller send a message (warning

message) to client; master controller checks whether or not a time limit has been

exceeded for a response from the client; if not alarm state)

It would have been obvious to one of ordinary skill in the art to modify Chen for

alarm means to produce a warning message when any of the state signals is not

received in due time as taught by Forecast. One of ordinary skill in the art would have

been motivated to employ the teachings of Forecast in order for throughput to be used

efficiently and most of the throughput can be used for transmitting data to network

clients.   (Forecast col 25, ll 3-7)

Regarding Claim 13, Chen discloses data transmitting device according to claim 9,

wherein the receiving means are intended to receive resume control messages from the

data requesting device, and the streaming means are intended to resume the data

streaming when the streaming has been paused and one of the resume control

messages is received. (Chen col 6, ll 9-15: three transmission modes (NORMAL,

RUSH, PAUSE); col 6, ll 49-51: client agent sends PAUSE-TO-NORMAL command if

amount of data decreases from above the high water mark; resume normal data flow)

Regarding Claim 14, Chen discloses data transmitting process via at least one first

communication network comprising the following steps:

   receiving requests of determined data from at least one data requesting device

   via at least one second communication network, (Chen col 5, ll 59-67: send a

   command packet (specific request) for retrieval of requested data; col 5, ll 39-44:

   control channel serves to exchange control messages; data channel serves to

   transmit multimedia data from the server to client; data channel (first) and control

   channel (second) communications channels (networks))

   streaming the data to the data requesting device via the first network, (Chen col

   5, ll 48-59: data receiver receives incoming data packets from the network; data

   receiver signals buffer manager to place data packets into the packet buffer; output

processor delivers data to multimedia application; data channel (first) and control

channel (second) communications channels (networks)) and

receiving from the data requesting device pause control messages, and pausing

the data streaming when the pause control messages are received, (Chen col 6, ll 9-

15: three transmission modes (NORMAL, RUSH, PAUSE); col 6, ll 47-49: client

agent sends NORMAL-TO-PAUSE command if amount increase above high water

mark)

wherein it comprises also the following steps:

receiving periodically normal state signals from the data requesting device,

(Chen col 6, ll 9-15: three transmission modes (NORMAL, RUSH, PAUSE); col 6, ll

49-51: client agent sends PAUSE-TO-NORMAL command if amount of data

decreases from above the high water mark; resume normal data flow) and

triggering the normal state signals, the data transmitting process being preferably

intended to be executed by a data transmitting device compliant with claim 10.

(Chen col 6, ll 9-15: three transmission modes (NORMAL, RUSH, PAUSE); col 6, ll

49-51: client agent sends PAUSE-TO-NORMAL command if amount of data

decreases from above the high water mark)

Chen does not explicitly disclose triggering an alarm state when the state signal is

not received in due time. However, Forecast discloses wherein triggering an alarm

state when the state signal is not received in due time. (Forecast col 52, ll 37-46:

execution branches to step 534 if controller fails to receive a heartbeat from each

stream servers within a certain timeout period (state signal or heartbeat not received

in due time); stream server sends the heartbeat (periodic transmission); heartbeat

includes: the state of the stream (e.g. pause, playing, completed), and a failure type

code indicating any failure; col 52, ll 52-59: branches to step 534: log the error and

initiate stream server recovery state (alarm state))

It would have been obvious to one of ordinary skill in the art to modify Chen for

triggering an alarm state when the state signal is not received in due time as taught

by Forecast.   One of ordinary skill in the art would have been motivated to employ

the teachings of Forecast in order for throughput to be used efficiently and most of

the throughput can be used for transmitting data to network clients.   (Forecast col

25, ll 3-7)

Regarding Claim 15, Chen discloses computer program product, wherein it comprises

program code instructions for executing the steps of the processes of claim 9 when the

program is executed on a computer. (Chen col 3, ll 43-45: method implemented by

installing software on client machine and server)

Regarding Claim 16, Chen discloses computer program product, wherein it comprises

program code instructions for executing the steps of the process of claim 14 when the

program is executed on a computer. (Chen col 3, ll 43-45: method implemented by

installing software on client machine and server)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung Hye Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L. Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kyung Hye Shin
Examiner
Art Unit 2443

January 20, 2009

/Kyung Hye Shin/
Examiner, Art Unit 2443